

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bradley J. Howard

Serial No.: 10/632,628

Filed: August 1, 2003

For: MULTIFREQUENCY PLASMA
REACTOR (as amended)

Confirmation No.: 4766

Examiner: R. Dhingra

Group Art Unit: 1792

Attorney Docket No.: 2269-5862US
(2002-1563.00/US)

VIA ELECTRONIC FILING

OCTOBER 20, 2009

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance mailed July 20, 2009 and sets forth Applicant's comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Allowable Subject Matter accompanying the Notice of Allowance.

In the Notice of Allowance, the Examiner indicates:

Claims 1, 16 – closest prior arts [(Chen et al. – US PGPUB 2004/0025791), and (Suzuki – US Patent 6,756,311)] do not teach claim limitation “a controller configured to individually selectively activate the first, second and third power

generators to a plurality of activation configurations during a plurality of phases of a duty cycle of a process, wherein at least one of the plurality of activation configurations includes differently activating the second and third power generators to generate at least two different active states on the lower electrode; wherein each of the second and third power generators are configured to independently receive a signal from the controller and independently apply energy directly to the lower electrode entirely to generate the at least two different active states thereon” in the context of the remaining limitations of the claim.

Applicants concur with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The Independent claims as allowed recite features and methodology in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner’s reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicants assume that (pursuant to 37 C.F.R. §1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims.

Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Respectfully submitted,



Kevin K. Johanson
Registration No. 38,506
Attorney for Applicant(s)
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

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KKJ/kso/cw
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